THE HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.4009 of 2005

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Dated:16.03.2006

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Between:

G.Sapna, D/o.G.Prabhakar.

…Petitioner

And

Osmania University, Hyderabad, and another.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4009 of 2005

ORDER:

The petitioner is a graduate in B.Sc (Hons) in Agriculture Science and Rural Development. She obtained the said degree from Layola Academy, Alwal, Secunderabad, which is an autonomous Degree College, affiliated to the first

respondent-University. Pursuant to a notification issued by the first respondent for admission to Post Graduate Courses, the petitioner appeared for the Entrance Test, seeking admission in M.Sc (Micro Biology) course. She secured rank of 3411, and based on that she was admitted by the second respondent-College. When the certificates produced by the petitioner were forwarded by the second respondent to the Director of Admissions of the first respondent for verification and approval of admission, her admission was not approved. The Deputy Registrar (Academic) informed the second respondent on 05.11.2004 that the petitioner is not eligible for admission in M.Sc (Micro Biology), as she studied Micro Biology for 200 marks and Food Chemistry for 100 marks only. Aggrieved by the same, the present writ petition is filed. The petitioner contends that she fulfils all the qualifications, as per the instructions for admission to Post Graduate Entrance Test, and therefore, rejection of her admission is illegal.

The first respondent-University has filed a counter affidavit along with an application to vacate the interim order, which was passed by this Court on 01.04.2005 directing the respondents to permit the petitioner to attend the second semester examinations. At the interlocutory stage itself, the matter was heard with the consent of the learned Counsel for the rival parties.

In the counter affidavit filed by the Registrar of the first respondent-University it is stated that as per the instructions for Post Graduate Entrance Test and Admissions, 2004, to be eligible for admission to M.Sc (Micro Biology), the candidate should have B.Sc., with Chemistry and Botony or Zoology or Genetics or Micro Biology or Biochemistry or Biotechnology. As the petitioner studied B.Sc (Hons) Agricultural Science and Rural Development, where she studied only Food Micro Biology and Food Chemistry, she is not eligible to study M.Sc (Micro Biology). The other allegations made by the petitioner are denied, and it is stated that the petitioner has not cleared the first semester examinations, and therefore, she is not entitled to sit in the second semester examinations.

After hearing the learned Counsel for the petitioner and the learned Standing Counsel for the first respondent-University, who have raised the contentions with reference to their pleadings, the controversy can be resolved by referring to the “Instructions, Eligibility Conditions and Syllabus for Post Graduate Entrance Test and Admissions, 2004”. The relevant portion reads as under.

E. FACULTY OF SCIENCE (M.Sc)

COURSE

M.Sc [subjects (1) to (9) omitted]

(10) Micro Biology

[subjects (11) to (18) omitted]

II. ELIGIBILITY CONDITIONS FOR ADMISSION

TO P.G. COURSES (M.Sc) IN THE FACULTY OF SCIENCE:

1. Candidates other than SC/ST categories should have passed B.Sc., B.A., or its equivalent examination with not less than 40% of marks (for SC/ST candidates a pass in the qualifying examination is sufficient) in the aggregate of Part-II and studied the subject(s) mentioned in column (3) of Table-1 as optional(s) at the bachelor's degree.

2. Candidates passing the bachelor's degree examination compartmentally are also eligible provided they secured not less than 40% marks in the aggregate of Part-II.

TABLE –1 (Relevant portion only extracted)

Subject(s)/Courses in which the Candidate seeks admission	**Entrance Test to be written**	**Subject(s) studied at Under Graduate Degree**
(1)	**(2)**	**(3)**
BiochemistryBiotechnology, Genetices, Microbiology,Environmental Science andNutrition & Dietetics	Biochemistry/Biotechnology/ Genetics/Microbiology/ Environmental Science/Nutrition & Dietetics (BCBTGMESND)	**a) Biochemistry** i) Chemistry and Physics orii) Chemistry and any one of the following: Botany, Zoology, Genetics, Mircrobiology, Biochemistry, and Biotechnology. **b)** Biotechnology/ Genetics/ Microbiology/ Environmental Science: As given under ii) of a) **c) Nutrition & Dietetics:** As given under (ii) of a) and Food and Nutrition/ Applied Nutrition and Public Health/Clinical Nutrition and Dietetics / Food Science and quality control.

A plain reading of the above would show that a candidate for admission to Micro Biology is required to satisfy the eligibility criteria as given in II of E in Column 3 of the above table. In Column 3, a) ii) is to the effect that a person with Chemistry and other subjects (any one of the following: Botony, Zoology, Genetics, Micro Biology,

Biochemistry and Biotechnology) is alone eligible for M.Sc (Micro Biology). What are the qualifications possessed by the petitioner? The consolidated memo of marks issued by the Layola Academy, Secunderabad, is annexed to the writ petition. A plain perusal of the same would show that the petitioner never studied any of the subjects, which are essential for M.Sc (Micro Biology) as per the eligibility table extracted hereinabove. No doubt, while pursuing her studies in B.Sc (Hons) in Agriculture Science and Rural Development, the petitioner studied certain subjects where basic elements of Chemistry and Micro Biology were included, but the same, as found by the University, did not satisfy the eligibility. It is well settled that when an academic authority finds a qualification not equivalent to the prescribed qualification, ordinarily, this Court cannot interfere in such decisions. The decision of the first respondent does not suffer from any arbitrariness or illegality.

The Writ Petition is devoid of merits, and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

16.03.2006

vs